

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

JOSEPH SULLIVAN, et al.,

Plaintiffs,

v.

GARZA COUNTY SHERIFF'S OFFICE,  
et al.,

Defendants.

No. 5:23-CV-049-H-BQ

**ORDER**

Before the Court is the City of Post's motion to dismiss. Dkt. No. 25. The United States Magistrate Judge issued Findings, Conclusions, and a Recommendation (FCR) that the plaintiffs be given 14 days after any order adopting the FCR to (1) amend their claims and (2) serve Post with the amended complaint. Dkt. No. 51. If the plaintiffs do so, the FCR recommends denying the motion to dismiss as moot. *Id.* No objections were filed.

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR. The plaintiffs are given 14 days from the date of this Order to amend their claims and serve Post with the amended complaint. If the plaintiffs do so, the Court will deny Post's motion to dismiss under Rules 12(b)(5) and 12(b)(6) as moot.

The plaintiffs are warned that if they do not amend their complaint but properly serve Post with the extant complaint, the Court will deny Post's Rule 12(b)(5) motion to dismiss but grant Post's Rule 12(b)(6) motion and dismiss this case. If the plaintiffs neither

amend nor re-serve their complaint, the Court will grant Post's Rule 12(b)(5) motion to dismiss, deny its Rule 12(b)(6) motion as moot, and dismiss this case.

So ordered on January 11, 2024.

  
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JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE